

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MAHMUT SAR,

Plaintiff,

-against-

CONSOLIDATED BULK CARRIERS, CORP.,

Defendant.  
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**ORDER**

CV 06-6029 (JG)(ARL)

**LINDSAY, Magistrate Judge:**

By letter dated September 17, 2007, the defendant moves to strike the pro se plaintiff's complaint for failure to provide discovery. Alternatively, the defendant requests that the plaintiff be precluded from offering any evidence at trial. According to the defendant, the plaintiff has not responded to the defendant's interrogatories or demand for the production of documents that were served on July 31, 2007. Plaintiff opposes the application by undated letter filed with the court on September 19, 2007. The application is denied.

As the defendant acknowledges, the reason the plaintiff has not responded to the outstanding demands is that he claims to have never received them. Plaintiff's letter confirms that he recently moved and provides a current address. The document demands reflect that they were sent to the plaintiff at his old address. Accordingly, the defendant is directed to re-serve a copy of its discovery demands to the plaintiff at his current address by certified mail, return receipt requested. The plaintiff is warned however, that his failure to comply with his discovery obligations will lead to a recommendation to District Judge Gleeson that his complaint be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41.

Given this ruling, the September 28, 2007 deadline for the completion of all discovery is extended through **November 30, 2007**. Any party seeking to make a dispositive motion shall take the first step in the motion process by **December 14, 2007**. The parties are referred the individual practices of District Judge Gleeson in this regard. The final conference before the undersigned is adjourned to **January 3, 2008 at 11:30 a.m.** The parties shall file their proposed joint pretrial order in advance of the final conference.

Dated: Central Islip, New York  
September 27, 2007

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge